

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CHRISTOPHER M JUSTICE,

Plaintiff,

v.

UNIVERSITY OF TEXAS MEDICAL
BRANCH, TELFORD UNIT,

Defendants.

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CIVIL ACTION NO. 5:17-CV-00184-RWS

ORDER

Plaintiff Christopher Justice, a former inmate of the Texas Department of Criminal Justice, Correctional Institutions Division proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged constitutional violations. This Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The sole named Defendants are the University of Texas Medical Branch and the Telford Unit of TDCJ-CID.

On April 15, 2019, the Magistrate Judge issued a Report recommending the lawsuit be dismissed because the only named Defendants are immune to suit. Docket No. 5. A copy of this Report was sent to Justice at his last known address, but no objections have been received. TDCJ records show Plaintiff was released from prison on December 7, 2018. He has not contacted the Court nor provided a current mailing address since that time. “The Court must be able to clear its calendars of cases that remain dormant because of the inaction or dilatoriness of the parties seeking relief, so as to achieve the orderly and expeditious disposition of cases” *Latney v. Kemp*, No. 4:08-cv-111, 2010 WL 2301684 (S.D. Miss. May 17, 2010), *report adopted*, 2010 WL 2301678

(S.D. Miss. June 7, 2010) (observing that “plaintiff has not contacted the court by any method in over six months; he may have lost interest in prosecuting his claims after his release from prison.”)

Because no objections to the Report have been received, Plaintiff he is not entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

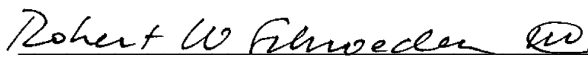
Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with the Report of the Magistrate Judge. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). It is accordingly

ORDERED the Report of the Magistrate Judge (Docket No. 5) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted. Finally, it is

ORDERED the statute of limitations is **SUSPENDED** for a period of 90 days following the date of entry of final judgment.

So ORDERED and SIGNED this 23rd day of October, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE